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Can Free Elections Secure Democratic Consolidation? An Analysis of Ukraine in 2006

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Abstract

Im Mittelpunkt des Beitrags stehen die Ergebnisse der ukrainischen Parlamentswahlen von 2006. Sie spiegeln in mancherlei Hinsicht den Stand der demokratischen Entwicklung wider. Dieser Prozess kann jedoch nicht als ausschließliches Ergebnis der Präsidentschaft Juschtschenkos angesehen werden. Er ist vielmehr das Resultat von Entwicklungen, die mit der Erlangung der Unabhängigkeit der Ukraine einsetzten. Dies wird anhand des institutionellen, politischen und sozialen Wandels aufgezeigt.

This article aims to assess the perspectives for a democratic evolution of Ukraine in the light of the 2006 elections. In this respect, it maintains that a Yanukovych premiership shall not have much weight on the democratic evolution of Ukraine since democratization, rather than having happened overnight, was consolidated – albeit slowly – over the fifteen-year independence period through the rise of a strong opposition and civil society developments, of which the 2004 Orange Revolution is only the most visible result. The main focus of this article is on political pluralism, which will be explored through qualitative and quantitative analysis, examining the results of the elections and the very nature of Ukrainian political parties. This examination will also give the possibility of focusing on other three crucial elements, namely constitutional reform, improvement of civil society, and political attitude. Thus, the article is structured on three main points: Firstly, from section I to IV, it shows the results of the 2006 elections and analyzes the dynamics between elected parties, maintaining that democratic consolidation may not be negatively affected by their results; secondly, from section V to VIII, it gathers historical evidence by drawing from the Ukrainian political history after independence to show how democratic change happened far before Yushchenko's election in 2004. Finally, in sections IX to XI, it assesses the limits

of the insofar democratic reforms as hindered by a political culture that still feels soviet legacy.

I. Context: The First 'Democratic Elections' in Ukraine

Diplomatic missions in Kiev, the OSCE and most of the Western world watched the 2006 elections in Ukraine with deep interest. The purpose was to understand to what extent the country, further to the Orange Revolution alterations, had enforced the changes that would foster a democratic transition.¹ Nevertheless, the fact that the political elite is advancing far slower than the rest of the population, which is maturing very rapidly, has often been ignored.²

Indeed, after having congratulated Viktor Yushchenko, the first "democratic" president of Ukraine by the most "fair and democratic elections" in Ukraine since its independence,³ a wave of uncertainty rose up when Yushchenko de facto refused to acknowledge the results by not respecting the agreements of the 'Orange Coalition' by failing to appoint Yuliya Tymoshenko as prime minister. Furthermore, during the political crisis stalemate (April–August 2006) it became increasingly likely that Yushchenko himself chooses and appoints as PM his main adversary during the 2004 elections, a man who gathered almost the other half of the Ukrainian electorate as illustrated in Table 1, who he had publicly accused to have stolen the presidential elections two years before, and who was largely criticized in Europe and the USA for his authoritarian rule and lack of honesty.

A sort of rehabilitation happened after the proposition of Yanukovych as prime minister and his appointment on August 2, 2006, leading most countries that had refused to acknowledge him as president in 2004 to assert their readiness to work with him for a prosperous future.⁴ In other words, the West is now accepting – although it would have no legal basis to refuse – Yanukovych, one of the main actors in the 2004 election falsifications, a man who was alleged to repress civil society, and who wanted to use the force to disperse the Orange pro-

1 Ukrainian Elections Key to Democratic Progress. In: IFES Press Release, 1 March 2006; Ukrainian Elections Free and Fair, Consolidating Democratic Breakthrough. In: OSCE Press Release, 27 March 2006; Democracy and the Rule of Law in Ukraine. In: UNIAN Analysis and Commentary, 11 August 2006.

2 Afterglow of the Passing Epoch. In: Zerkalo nedeli no.12 (591), 1 April 2006.

3 "Yushchenko hailed the vote as the most fair and democratic ever held in Ukraine" and the head of the OSCE monitoring mission seemed to agree. Cf. Ukraine: Yushchenko Headed for Defeat in Parliamentary Elections. In: Radio Free Europe, 26 March 2006. Even Charles Tannock, a British deputy, said the procedures followed by Ukrainian authorities surpassed those of Britain. Cf. Ukraine: Elections Receive High Acclaim from EU Monitors. In: Radio Free Europe, 28 March 2006.

4 Ukraine: Former US Ambassador says West can Work with Yanukovych. In: Radio Free Europe, 31 July 2006.

Table 1: The Yushchenko-Yanukovych confrontation in the 2004 elections: breakdown of votes by education in four regions of Ukraine (in %)

	Number of interviewees	For Yushchenko	For Yanukovych	Against both	Total
<i>Western region</i>					
Incomplete Secondary	811	94.0	5.4	0.6	100.0
Complete Secondary	1 541	92.4	6.7	0.9	100.0
Vocational Training	2 347	92.8	6.3	0.9	100.0
University Degree (complete or incomplete)	1 805	89.6	9.0	1.5	100.0
<i>Central region</i>					
Incomplete Secondary	882	82.2	15.2	2.6	100.0
Complete Secondary	1 958	80.7	16.2	3.1	100.0
Vocational Training	2 899	82.8	14.6	2.6	100.0
University Degree (complete or incomplete)	2 564	81.6	15.6	2.8	100.0
<i>Southern region</i>					
Incomplete Secondary	651	25.9	71.4	2.7	100.0
Complete Secondary	1 395	27.5	68.9	3.6	100.0
Vocational Training	2 540	29.6	67.5	2.9	100.0
University Degree (complete or incomplete)	2 398	41.4	55.3	3.3	100.0
<i>Eastern region</i>					
Incomplete Secondary	643	7.0	92.4	0.6	100.0
Complete Secondary	1 280	9.1	88.9	1.9	100.0
Vocational Training	2 443	10.6	87.7	1.7	100.0
University Degree (complete or incomplete)	2 042	22.7	73.9	3.4	100.0

Source: Svitlana Oksamytna and Valeriy Khmelko, Regional Divisions of Ukraine in the 2004 Presidential Elections: Gender, Age and Educational Differences of Electoral Preferences (table 9). Available at www.kiis.com.ua, last accessed 9 November 2006.

testors, as the man who can continue the democratic transformation of the country “officially” started during the Yushchenko presidency.⁵

5 The crisis of the soviet ideology has led liberal democracy to remain the main – if not the only – political ideology in the world. According to Michael McFaul in “Democracy and Democracy Promotion as International Norms” (<http://iis-db.stanford.edu/pubs/20743/DemocracysInternationalNorm-WQ-92004.pdf>, last accessed 20 October 2006) every country is in favor of liberal democracy, at least ideologically, and Ukraine is no exception. As a result, according to the “official” discourse, democratiza-

Fears that appointment of Viktor Yanukovich would mean a step backwards for democracy in Ukraine according to this article are unmotivated and should be considered with the fact that Ukrainian democratic improvements since 1991 are the result of political arm wrestling between opposed forces, rather than the result of a lucid and determinate democratization process.⁶ Therefore, they do not depend on the will of a single man; democratic consolidation or deconsolidation will only partially depend on Yanukovich's premiership, just as it depended only partially on Yushchenko's presidency. It is true that Yushchenko gave concrete form to most democratic desires, such as business reforms and a diminishing of human rights abuses.⁷ But it is also true that the preconditions for this to happen smoothly had been rising with the political evolutions of the country since 1991. Media freedom, credited to Yushchenko, was an achievement of the Orange Revolution as a result of initiatives by journalists themselves. Likewise, the constitutional reform was only accepted by Yushchenko as a compromise to resolve the crisis and be offered the chance of a new second round of elections; we will explore this in the later sections.

There are several current features of the Ukrainian society that would not allow for a return to the past: opposition nowadays is quite solid, civil society is active and political activism is increasing, as confirmed by the classification of "free" by Freedom House (see Table 2). In addition, international attention on the country has led to a limited and balanced influence by Russia and the West that limits the way both actors can influence domestic policies, allowing for more liberty of action of domestic forces.⁸

The general tendency of the country to political pluralism and democracy is visible when one confronts the results of the 2006 elections – where the majority is formed without the presidential party that, despite the president's favorable position, is part of the opposition – and notices the political evolutions from the past elections (Tables 3 and 4), in which such a situation was unlikely to happen, as Leonid Kuchma was able to gather the interests of several clans backing dif-

tion started many times in Ukraine; first during perestroika, then after the 1991 independence and finally after the Yushchenko election. The challenge is to understand what is intended in Ukraine for democracy. In this case we reckon with the Western political discourse assessing Yushchenko as the main initiator of a democratic movement in the country.

- 6 Commitment to democratic improvements was shown in most Eastern European countries by forging a new generation of politicians with no links with the past. This phenomenon, known as *lustrism*, is totally absent in Ukraine, where most of the communist elites have retained their position even after the 1991 ban of the communist party.
- 7 For a list of Yushchenko improvements see Taras Kuzio, *Revisiting the Orange Revolution, Part One: Considerable Gains Made*. In: *Eurasia Daily Monitor*, 21 November 2005.
- 8 On the role of foreign powers in Ukraine during the 2004 protests see Andrew Wilson, *Ukraine's Orange Revolution*, New Haven/London 2006; Donnacha O'Bechean/Abel Polese, *Georgia 2003 and Ukraine 2004: Two Acts, One Play?* In: Josette Baer (ed.) *Politics, Possibilities and Risks: Eastern Europe 2000–2005*, Budapest 2007 (forthcoming).

Table 2: Compared freedom in some of the former Soviet Republics

	2002			2003			2004			2005		
	PR	CL	Status	PR	CL	Status	PR	CL	Status	PR	CL	Status
Armenia	4	4	PF	4	4	PF	5	4	PF	5	4	PF
Azerbaijan	6	5	PF	6	5	NF	6	5	NF	6	5	NF
Belarus	6	6	NF	6	6	NF	7	6	NF	7	6	NF
Kyrgyzstan	6	5	NF	6	5	NF	6	5	NF	5	4	PF
Moldova	3	4	PF	3	4	PF	3	4	PF	3	4	PF
Russia	5	5	PF	5	5	PF	6	5	NF	6	5	NF
Ukraine	4	4	PF	4	4	PF	4	3	PF	3	2	F

PR= political rights; CL= civil rights; 7 is the lowest rate; PF= partially free; NF= not free; F= free. Source: Freedom House, Freedom in the World Rating.

Table 3: Results of the 2006 elections

Party of Regions (center-left)	32.14 %
Yuliya Tymoshenko Bloc (right)	22.29 %
Nasha Ukraina Bloc (center-right)	13.95 %
Socialist Party of Ukraine (center-left)	5.69 %
Communist Party of Ukraine (left)	3.66 %

Source: www.cvk.gov.ua. These parties are the only ones that passed the 3 % barrier at national level to enter the parliament.

ferent political parties to push down the majority party – Nasha Ukraina – into the opposition.

It is useful to concentrate on the results of the 2006 elections before considering them in a historical perspective. In 2006 the Party of Regions, the predominate party in Ukraine, saw its leader, Viktor Yanukovych, appointed as prime minister. To an external observer everything would seem in order, but reality is far more complex.

Many analysts have suggested that the real winner of these elections is Yuliya Tymoshenko, former prime minister (February/September 2005) and leader of the Yuliya Tymoshenko Bloc. If confronted with the 2002 elections results, the BIUT registered a gain of around 15 % (in the 2002 elections Tymoshenko only got 7.26 % of the votes). This performance almost gave Tymoshenko the post of prime minister, after which she would have been confirmed the most powerful

lady of Ukraine and one of the most powerful women in the world, as she was defined in August 2005.⁹

Before the elections, Tymoshenko had signed an “Orange” agreement with two other parties, Nasha Ukraina and the Socialists. According to this agreement, in the case of victory for the Orange Coalition the prime minister would have been chosen out of the party that registered the best score in the 2006 elections, which did not happen. Understanding why Tymoshenko did not become prime minister requires understanding much of the current situation of the country.

II. The Left in Ukraine

If assessing the winner is difficult, assessing the losers is easier, and Table 4 is quite illuminating in this sense. The Communist Party of Ukraine has confirmed its declination: in 1991, 85 % of the deputies in the Verkhovna Rada were members of the Communists Party;¹⁰ after a ban from 1991 to 1993, the Communists became the predominate party in the country with 12.72 % of the vote in the 1994 parliamentary elections; likewise, in 1998 they scored 24.65 %, and their leader, Petro Simonenko, was the main presidential opponent at the 1999 elections with 37.8 % (against Kuchma’s 56.25 %) in the runoff of the elections.¹¹ Since then, the Communist party has been in decline; it gathered 19.98 % in the 2002 elections and would not have been admitted into the Verkhovna Rada in 2006 had the minimum required not be changed to 3 % (until 2002 it was 4 %).

The political ideology of the Communist Party is shared by another party, which is also left-oriented but much more radical: the notorious Nataliya Vitrenko Popular Opposition Bloc. Both parties have manifestos that continue the pre-independence political vision and dwell on Soviet nostalgia, targeting mainly older voters from the south and east of the country. In the 2006 elections they had to share the conservative electorate,¹² which led Nataliya Vitrenko to gather 2.9 % of the vote and thus fail to enter the parliament.

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- 9 In July 2005, “Forbes” magazine named Tymoshenko the third most powerful woman in the world, after US Secretary of State Condoleezza Rice and Chinese vice Premier Wu Yi. Cf. Radio Free Europe, 20 March 2006.
 - 10 Ukraina Partiyhaya chasty IV Kommunisticheskaya. In: Zerkalo nedeli no. 8 (383), 2 March 2002.
 - 11 The result was judged to be extremely positive by the communist leader: *Zerkalo nedeli* reports that Symonenko looked as happy as if he had won the elections, after having succeeded in passing the first round and performed much better than he expected. Cf. Ukraina partiyhaya chasty IV Kommunisticheskaya. In: Zerkalo nedeli no. 8 (383), 2 March 2002.
 - 12 Both parties intended to oppose western aspirations of the country; for example they were against no NATO and, EU integration, but for a “return to Soviet times”. In particular, Vitrenko was playing a classic of post-soviet societies: *sans moi, le deluge*.

Openly opposing Ukraine's western aspiration did not at all prove to be a good strategy; the Ne Tak Bloc, enjoying the experience and the connections of two of the main politicians in the country, failed to pass the 3 % barrier. Surprisingly enough, the alliance of the first Ukrainian president, Leonid Kravchuk, and the former head of the Presidential Administration – and the leader of the Social Democratic Party (united) and affiliated with the Kiev clan – Viktor Medvedchuk, did not even appeal enough of those citizens sympathetic to Russian as a state language and Ukrainian integration into the Common Economic Space with Belarus, Kazakhstan and Russia.

When comparing election results since independence (Table 4), one can see that most parties are short-lived, and a complex game of alliances makes the overnight creation of parties possible, such as the For a United Ukraine Bloc created just before the 2002 elections. The two Rukh branches joined to become Nasha Ukraina in 2002 and one of them (Rukh Kostenko) participated independently in the elections of 2006. The Party of Regions was part of For a United Ukraine in 2002, and ran alone in 2006.

III. The Escalation of the Socialists and Yushchenko's Decline

One of the main actors of these elections was Oleksandr Moroz, leader of the Socialist Party, who was officially inspired by "European" socialist models like Sweden and the Netherlands.¹³ Initially conceived as a party for those Communists unwilling to revisit their ideology in 1991 when the Communist Party was banned, it had to reinvent itself when, in 1993, most of its forces were absorbed by the newly-legal Communist Party. "Not refusing Marxism, [the Socialist Party] acknowledged the importance of a modern ideology"¹⁴ and took the way of European socialism, while excluding extremist elements like Nataliya Vitrenko and Volodymyr Marchenko from the party in 1995. Moroz, speaker of the parliament from 1994 until 1998 and often in contrast with president Kuchma, was given up as politically dead after the 1999 presidential elections.¹⁵

13 At least, this was one of the main points in Moroz political slogans in the 2006 elections.

14 Ukraina partiynaya chast V. Sotsialisticheskaya partya Ukrainy. In: Zerkalo nedeli no. 9 (384), 8 March 2002.

15 Nataliya Vitrenko got was injured by a grenade during her political campaign. Evidence was immediately produced against Moroz, who eventually did not undergo any process, though this damaged his reputation and contributed to the failure of the "Kaniv Four" group. See Ukraina partiynaya Chast V. Sotsialisticheskaya partya Ukrainy. In: Zerkalo nedeli no. 9 (384), 9 March 2002; Ukraine: Opposition Candidates Fail to Present United Front. In: Radio Free Europe, 19 October 1999; Ukraine: 15 Candidates Race for Ukrainian Presidency. In: Radio Free Europe, 26 October 1999 and Ukraine: Grenade Blasts Still Resonate. In: Elections in Radio Free Europe, 27 October 1999.

Table 4: Compared results of the parliamentary elections in Ukraine.

	1994	1998	2002	2006
Communist Party of Ukraine (CPU)	12.72 %	24.65 %	19.98 %	3.26 %
Rukh	5.15 %	9.40 %	Split into two parties, both join NU	NU and Kostenko Bloc
Socialist Party of Ukraine (SPU)	3.09 %	For the truth (8.55 %)	6.87 %	5.69 %
Peasant (Agrarian) Party	2.74 %	For the truth (8.55 %)	0.37 %	0.31 %
Republican Party	2.52 %	National front bloc (2.72 %)	BIUT	Ne Tak (1.01 %)
Progressive Socialist Party of Ukraine	SPU	4.05 %	Vitrenko bloc (3.22 %)	Vitrenko Bloc (2.93 %)
Congress of Ukrainian Nationalists	1.25 %	National front bloc (2.72 %)	NU	NU
Democratic Party	1.08 %	Bloc of Democratic Parties (1.23 %)	Bloc with "Democratic Union Party" (0.91 %)	Popular Deputies of Ukraine (0.49 %)
Green Party	No part	5.43 %	1.36 %	0.54 %
People's Social Democratic Party	0.36 %	5.01 %	BIUT	BIUT
Social Democratic Party (United)	0.36 %	4.01 %	6.27 %	Ne TaK (1.01 %)
Nasha Ukraina Bloc (NU)	No part	No part	23.57 %	13.95 %
For a United Ukraine Bloc (FUU)	No part	No part	11.77 %	No part
Party of Regions	No part	No part	FUU Bloc	32.14 %
Yuliya Tymoshenko Bloc (BIUT)	No part	No part	7.26 %	22.29 %

"No part" means the party did not run in the election that year. If it ran as a member of an electoral bloc, this is indicated, with its score. The Social Democratic party split happened after the 1994 elections; therefore, the 0.36 % of votes, though reported twice in 1994, refers to the party when still united. Source: www.cvk.gov.ua.

Moroz became one of the main figures of the opposition and an enemy of president Kuchma after the audiotape scandal in 2000, remaining immune to the potential attacks of the "blackmail state".¹⁶ In 2000 he produced evidence that the president was involved in the murder of a journalist investigating corruption in high spheres of politics and officially challenged President Kuchma, contributing to a re-awakening of civic activism movements¹⁷ that will have a major role in the political history of Ukraine.

The last left-oriented party mentioned here is the Party of Regions, now the predominate party in Ukraine. Headed by former prime minister (2002/2004) and presidential candidate (2004) Viktor Yanukovich, the party won most of the votes of the left electorate and de facto inherited all of the support of the former "Party of Power."

The 2006 elections saw a strong decline in the popularity of president Yushchenko and, consequently, in the performance of *Nasha Ukraina*. In 2002 *Nasha Ukraina*, created in January as an electoral bloc and later registered as a political party,¹⁸ was able to do much better for two reasons: firstly, Mr. Yushchenko was the most popular politician of the country and fully supported by all the anti-Kuchma forces, and secondly, *Nasha Ukraina* could count on the support of a wider spectrum of parties.

An economist, former head of the national bank,¹⁹ and politically grown under Kuchma (whom he considers a father),²⁰ Yushchenko had led Ukraine onto the path of economic stability by introducing a stable new currency, the *hryvnya* to replace the *karbovanets*,²¹ and had been rewarded by being appointed prime minister in 1999.

- 16 Pavlo Lazarenko was in the middle of a corruption process terminating with his sentence of 10 years of prison. Yuliya Tymoshenko also was arrested for corruption; the accusations were dismissed in 2005. This was the fate of most politicians in the opposition, according to Kuzio. See Taras Kuzio, *Semi-Authoritarianism in Kuchma's Ukraine*. In: Nicholas Hayoz/Andrej N. Lushnycky (eds.), *Ukraine at a Crossroads*, Bern 2005, p. 33–61.
- 17 The "Ukraine without Kuchma" and "National Forum for Salvation" movements were initiated by Moroz and Tymoshenko further to the audiotape scandal of November 2000 and were perpetuated through the mobilization of thousands of people demanding president resignation. Although they were not successful, this meant the first reawakening of civic society, with protestors setting up a tent camp in Maidan nezalezhnosti in Kiev.
- 18 Ukraine: Former PM Announces Formation of 'Our Ukraine' Opposition Bloc. In: *Radio Free Europe*, 18 January 2002.
- 19 Viktor Yushchenko: "Ya ne monetarist, ya prosto bankir". In: *Zerkalo nedeli* no. 38 (51), 23 September 1995.
- 20 *Ukraina Partynaya chast II*. "Nasha Ukraina". In: *Zerkalo nedeli* no. 6 (381), 16 February 2002.
- 21 As a result of the galloping inflation, *Karbovanets* had replaced money with a partial return to a barter system. Viktor Yushchenko succeeded in stabilizing the country's monetary system and re-introduced money based economy in 1996.

Table 5: Political and socio-economic orientation of the electorate in 1998

Party	Average index of orientation	
	National and political Oriented	Socio-economically Oriented
Communist Party	-0.62	-0.39
Rukh	0.89	0.56
Socialist and Agrarian Party	0.03	-0.13
Green Party	0.23	0.44
Popular Democratic Party	0.35	0.44
"Hromada" Union	-0.03	0.07
Progressive Socialist Party	-0.16	0.09
Social Democratic Party	0.29	0.38
Agrarian Party	0.33	-0.30
Reform and Order Party	0.94	0.77
Bloc Labor Ukraine	-0.29	0.14

Source: Valeriy Khmelko/Nataliya Pohorila, Osoblyvosti elektorativ osnovnykh grup partiy pered parlamentskymy vyboramy 1998 ta 2002 rokiv, www.kiis.com.ua, last accessed 9 November 2006.

Table 6: Political and socio-economic orientation of the electorate in 2001

Party voted	Average index of orientation	
	National and political oriented	Socio-economically Oriented
Nasha Ukraina Bloc	0.99	0.27
Communist Party	-0.29	-0.64
For a United Ukraine Bloc	0.06	0.20
Social Democratic Party	-0.11	0.34
Women for the Future	0.22	-0.06
Green Party	0.20	0.11
Moroz Bloc	0.00	-0.24
Yuliya Tymoshenko Bloc	0.39	0.22
Yabluko Party	0.14	0.20
Vitrenko Bloc	-0.46	-0.02

Source: Valeriy Khmelko/Nataliya Pohorila, Osoblyvosti elektorativ osnovnykh grup partiy pered parlamentskymy vyboramy 1998 ta 2002 rokiv, www.kiis.com.ua, last accessed 9 November 2006.

Despite having been sacked²² in 2001 for causing the main oligarchs discomfort, his reputation and his competent management of the Cabinet of Ministers had earned him political and civil popularity. Opposition parties would sign a declaration in his favor and collect thousands of signatures, but with little resonance and he eventually left the post, declaring “I do not go out of politics, I go out now in order to return.”²³ He eventually succeeded in gathering a wide range of allies and led *Nasha Ukraina* to receive the most votes of any Ukrainian political party in 2002, thus receiving attention and sympathy at the domestic and international levels, support that allowed him to challenge the results of the 2004 presidential elections and get elected in December 2004.

After his election, Yushchenko first lost the support of some of the media,²⁴ and then part of his electorate turned to Tymoshenko after the political split of September 2005 – a major mistake of the president, according to Kuzio²⁵ – leading to the dead end situation of 2006, when he faced the choice between Tymoshenko and Yanukovych as prime minister.

It must be said, however, that *Nasha Ukraina* by 2006 was a far more moderate party, having passed from a right to a more centrist position and having lost most of the extreme right electorate.²⁶

This is visible in Tables 5 and 6: the most nationalistic parties were *Rukh* and *Reform and Order*, which were both incorporated in *Nasha Ukraina* in 2002, when the Yushchenko party became the most nationalist-oriented one. This was not the case in 2006 since only the most moderate of the two *Rukh* parties stayed with *Nasha Ukraina* and *Reforms and Order*, another right party, left the *Nasha Ukraina* coalition.

22 *Ukraina Partijnaya chast II. “Nasha Ukraina”*. In: *Zerkalo nedeli* no. 6 (381), 16 February 2002.

23 *Ibid.*

24 Yushchenko’s alliance with the independent media was mainly based on a common position criticizing the regime, but when Yushchenko passed from the opposition to the majority, this position was not longer maintainable. In addition, the president failed to answer some questions addressed by journalists on several scandals provoked by his son’s lifestyle. See: *Has Yushchenko Political Honeymoon Come to an End?* In: *Radio Free Europe*, 27 July 2005.

25 Kuzio Associates, *Ukraine Strategic Insider No.1*, 2006, available at <http://www.taraskuzio.net/ukraine-current/2006/StrategicInsider1.pdf>, last accessed 6 November 2006.

26 The right movement *Rukh*, second party in Ukraine in the 90s, despite a split caused by ideological reasons, had initially supported *Nasha Ukraina* during the 2002 elections. Of the two branches of *Rukh*, only the most moderate one – *Rukh Kostenko* – supported Yushchenko in 2006. This is also confirmed by a sociological analysis on nationalistic factors in electoral political choices in Ukraine. See Valeriy Khmelko/*Nataliya Pohorila*, *Osoblyvosti elektorativ osnovnykh grup partiiv pered parlamentskymy vyboramy 1998 ta 2002 rokiv*, Kiev: KIIS, available at <http://www.kiis.com.ua/index.php?id=15&sp=1&lng=eng>, last accessed 9 November 2006.

IV. The 2006 Political Crisis

After defeat in the parliamentary elections, Yushchenko refused to respect the agreement with the Orange Coalition by attempting to reappoint Yuriy Yekhanurov as prime minister.²⁷ From the beginning, Yushchenko did not discard the idea of forming a majority with Yanukovych, conversely from his pre-election agreements that gave priority to Tymoshenko, knowing that choosing Yanukovych as PM would have been his political suicide²⁸ at the domestic and international levels and appointing Tymoshenko few months after dismissing her would not ease his life. This stalemate led to a long political crisis that dragged negotiations to their limit. In the end of July, Yushchenko faced a critical choice: either propose a candidate for the prime minister post or – according to the constitution – dismiss the parliament and call for new elections, lose credibility and electorate and risk being impeached.²⁹

Between anvil and hammer, Yushchenko chose the candidate closer to him.³⁰ In the light of the fact that in 2001 he had started negotiations with the Party of Regions (but without Tymoshenko) for joining the Nasha Ukraina coalition, this might have come as little surprise, despite allegations of undemocratic rule of Viktor Yanukovych.³¹ Yushchenko tried to put forward his ideas once he understood that Yekhanurov had no chance of becoming the new PM, by proposing a “universal”, a joint declaration on the political direction to follow once the prime minister would be appointed. Eventually the “universal” revealed of no political meaning for Yanukovych.

Once appointed, Yanukovych went on with his political program of economic reforms and did not show any desire to consolidate ties with the European Union and NATO, a point that was timidly mentioned in the “universal”.

The new PM, Viktor Yanukovych, a former governor of Donetsk, is the leader of the Party of Regions, the predominate politician in Ukraine nowadays, and was “predestinated” to become president in 2004, after having succeeded

27 A motion of disconfidence no confidence had already been approved by the parliament in January 2006, this could have been a warning over the lack of popularity of Yekhanurov and the strong opposition by the Party of Regions and the BIUT, which initiated the motion.

28 Ukraine: Our Ukraine Envisions New Tymoshenko Alliance. In: Radio Free Europe, 23 March 2006.

29 Yanukovych was chosen the August 2. Should the president have failed to propose a candidate, the parliament would have been dismissed and new elections held. This could have led to a critical stalemate for the president.

30 Volodymyr Filenko: “If Stetskiv and I Wanted to Make it to Parliament at Any Cost, We Would Have Joined the Presidential Party Long Time Ago”. In: Zerkalo nedeli no. 34 (562), 3 September 2005.

31 How to Understand Ukrainian President Viktor Yushchenko. In: The Kiev Post, 15 June 2006.

Kinakh in 2002 as prime minister.³² The Party of Regions had been registered in 2001 as a union of five parties. It is currently financed by the richest man of Ukraine, Rynat Akhmetov, who is originally from Donetsk. Akhmetov, an ally of Yanukovych's since the foundation of the party,³³ has sat in the Verkhovna Rada as a member of the Party of Regions since 2006.

Political crisis and instability are normally associated with an unpredictable, and therefore healthy, political climate in which a strong opposition is able to challenge the majority party and result in "political competition", a prerequisite for democracy. In this respect, *Zerkalo nedeli*³⁴ remarked in 2004 that the winner of the elections is known five years ahead in Turkmenistan and a year ahead in Russia and Kazakhstan; this contrasts with the fact that the winner in Ukraine is unknown even the day before the elections, and this was a major achievement of Ukraine.

The 2006 elections confirmed the democratic path of Ukraine, and the frictions between the President and the prime minister in September 2006 are further evidence of democracy.³⁵ After his anti-NATO statement in Brussels, Yushchenko became uncomfortable with Yanukovych as prime minister³⁶ but is unable to sack him, as used to happen in the past,³⁷ and Nasha Ukraina was obliged to join the opposition³⁸ despite being backed by the president of Ukraine. This is a situation unthinkable during the Kuchma era, revealing that power in Ukraine is extremely fractioned and in the hands of a wide group of people, not of one man; as a result, positive assessments of the country abound in Western-oriented environments.³⁹

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- 32 In the former Soviet spaces, it is common to appoint the man who is supposed to be elected president of the country as prime minister before the elections. Kuchma was Kravchuk's prime minister and Putin was prime minister of Russia before becoming its president.
 - 33 Pyat' istochnikov, pyat' sostavnykh chastey bloka "Za Edyny Ukrainu!". In: *Zerkalo nedeli* no. 10 (385), 23 March 2002.
 - 34 O natsionalnoy gordosti malorossiv. In: *Zerkalo nedeli* no. 44 (519), 30 October 2004.
 - 35 Dva Viktora, odna viktorija. In: *Korrespondent* no. 37 (226), 23 September 2006.
 - 36 Ukraine: Pro Presidential Bloc go into Opposition. In: *Radio Free Europe*, 19 October 2006.
 - 37 In November 2002 president Kuchma replaced both the prime minister Minister (Viktor Yanukovych for Anatoliy Kinakh) and the minister of foreign affairs in three days, in order to present his own position at the NATO summit of 21–22 November. See Ukraine: Kuchma Appoints New, Loyal prime minister, Insists on Coming to NATO Summit. In: *Radio Free Europe*, 18 November 2002.
 - 38 Ukraine: Pro-Presidential Bloc Goes into Opposition. In: *Radio Free Europe*, 19 October 2006.
 - 39 For instance Freedom House, in its report on Freedom in the World, classifies Ukraine as "free" for the first time in 2005. See also Ukrainian Elections Free and Fair, Consolidating Democratic Breakthrough. In: OSCE Press Release, 27 March 2006.

V. The People Have the Elections They Deserve: the “Party of Power” and Opposition after Independence

In this section we shall propose the idea that development of opposition movements in Ukraine led to strengthening of *de facto* political pluralism, and not only *de jure* pluralism like in other CIS republics. At the end of the nineties an opposition was not only present, but operating at the political level. This, together with the development of civic society, allowed a sort of limitation of presidential power that eventually resulted in a division of power between the president and the parliament, thus fostering the process of democratization in the country.

To understand the relevance of the 2006 elections, we shall do a step backwards and compare their outcome with those of the previous elections (see Tables 7 and 8). Ukraine in 1991 was only one of the fifteen republics born from the dissolution of the Soviet Union, which, notably, had maintained a one-party system since the October Revolution. Nevertheless, participation in politics in Ukraine at the beginning of the 1990s was relatively high for a Soviet country, second only to activism in the Baltic Republics.

Rukh, the “political movement for the support of perestroika”, was one of the main actors in Ukrainian independence, actively participating in the 1990 electoral campaign and joining, together with other forces including the Green Party, in the victory of the “democratic bloc” in Lviv, Ivano- Frankivsk and Ternopil constituencies, and allowing the opposition to get 125 seats in the Verkhovna Rada.⁴⁰

Table 7: Typology of the opposition in the presidential elections in 1991

Candidates	Results
Kravchuk (center-left)	61.59 %
Chornovil (right)	23.27 %
Luk'yanenko (right)	4.49 %
Hryn'ov (right)	4.17 %
Yukhnovs'kyi (center)	1.74 %
Taburyans'kyi (ill-defined)	0.57 %

Source: Sarah Birch/Gwendolyn Sasse, The Presidential Election in Ukraine. In: The Presidential Election and the Implication for Europe. Briefing Note 1/99, Sussex European Institute, October 1999.

40 Ukraina Partynaya chast II. “Nasha Ukraina”. In: Zerkalo nedeli no. 6 (381), 16 February 2002 and Ukraina Partynaya Chast I. Partya zelenykh. In: Zerkalo nedeli no. 5 (380), 9 February 2002.

Table 8: Typology of the opposition at the presidential elections in 1994

Candidate	1st Round	2nd Round
Kravchuk (center-right)	37.72 %	45.06 %
Kuchma (center-left)	31.27 %	52.14 %
Moroz (left)	13.04 %	
Lanovyi (center)	9.32 %	
Babych (center)	2.39 %	
Plyushch (center)	1.29 %	
Talanchuk (center)	0.54 %	

Source: Sarah Birch/Gwendolyn Sasse, *The Presidential Election in Ukraine*. In: *The Presidential Election and the Implication for Europe*. Briefing Note 1/99, Sussex European Institute, October 1999.

VI. Opposition Movements

Further to political pressures and civic mobilization initiated by students and continued by workers,⁴¹ a referendum on independence from the USSR resulted in more than 90 % of the country in favor. In the first presidential elections the head of the Verkhovna Rada in 1990 and 1991, Leonid Kravchuk, became the first elected president of Ukraine with 38.32 % of preferences, immediately followed by the Rukh leader Volodymyr Chornovil with 23.27 %, confirming Rukh as a major force in the country.

The party went to the 1994 elections with a target of at least 100 seats. In spite of its relative low score of around 30 seats,⁴² it affirmed itself as the second main force in the country with 5.15 % in 1994 and 9.40 % in 1998; the Communists scored 12.72 % and 24.65 %.⁴³

41 In 1989 and 1991 workers of the Donbas region went on strike against the poor working conditions and economic benefits; in 1990 some 150 students occupied the centre of Kiev and started a hunger strike to demand prime minister Vitaly Masol's resignation and nationalization of the CP properties. For more information see: Orest Dolnyi, *Studencheska revoliutsiya na granite*, Kiev 1996.

42 This was also the result of an electoral law favoring parties winning in most populated regions: only 50 % of the seats were assigned on a proportional basis, where the rest were allocated on a system of absolute preferences, meaning that the most voted parties at national level received more seats, and therefore favoring those parties enjoying support in the more populated east.

43 Those relatively low results depend on an electoral law allowing a candidate to run for a post in the parliament without any party affiliation. Until 2006 elections some local candidates, able to secure some local votes, succeeded in entering the parliament on the basis of their prestige in an electoral district area. In addition, elected candidates were free to change their political affiliation, passing to another party in the course of

The parliament enjoyed relatively little power in the 1990s but succeeded in defending its autonomy from the attacks to make it compliant,⁴⁴ though high regional polarization resulted in a divided and weak opposition,⁴⁵ as well as presidential power increasing as a result of political games and contrasts.⁴⁶

A stronger opposition emerged at the end of the decade, not as a movement opposing the president, but as an alliance of forces proposing an alternative ideology and opposing constructively the majority, as Yushchenko stated.⁴⁷

Difficulties in organizing an opposition were created by the political climate of the 1990s. When a politician joined the opposition, *kompromat* was called upon, like in the case of Lazarenko or Tymoshenko; when an opponent became a risk for the “political stability” of the country more extreme measures were taken, like the mysterious death of Chernovil⁴⁸ or the alleged poisoning of Yushchenko.⁴⁹ The same fate was set for those trying to investigate corruption in the higher spheres of politics, the saddest and most famous being the murder of the journalist Georgyi Gongadze. But physical elimination of journalists was the norm in the 1990s, as the International Press Institute reports at least 18 of them died in mysterious circumstances between 1991 and 2001.⁵⁰

Rukh, inheriting the ideology of the nationalists opposing Soviet rule in Ukraine,⁵¹ was the untamable party of the 1990s. It was nationalistic and very keen on nation building, according to Shevel’s classification.⁵² Rukh openly

their mandate so that lawmakers – and often their individual needs – became more important than their ideological background.

- 44 Sarah Whitmore, *State and Institution Building Under Kuchma*. In: *Problems of Post-Communism*, 52 (2005) 5, p. 3–11, here 8.
- 45 Cf. Taras Kuzio, *Ukraine under Kuchma*, New York 1997.
- 46 *Ukraina partiynaya* Chast V. *Sotsialisticheskaya partiya Ukrainy*. In: *Zerkalo nedeli* no. 9 (383), 8 March 2002.
- 47 *Ukraina Partiynaya* chast II. “Nasha Ukraina”. In: *Zerkalo nedeli* no. 6 (381), 16 February 2002.
- 48 Volodymyr Chornovil, leader of the party Rukh, died as a result of a fatal car accident few months before the 1999 presidential elections. Although formal investigations denied it, part of the opposition believes this was a political murder. See Roman Woronowycz, *Rumors of Conspiracy Inflamed by Lack of Criminal Investigation into Fatal Collision*. In: *The Ukrainian Weekly*, 4 April 1999; Vadym Ryzhkov, *Tragedy: KamAZ Truck Driver Fears Retribution*. In: *The Day*, 27 April 1999.
- 49 Viktor Yushchenko suffered from food poisoning in September 2004 on the eve of the presidential elections to which he was the favorite candidate. The investigations are still ongoing but in 2004 the government dismissed any accusation of poisoning and concluded Yushchenko had suffered from “normal” food poisoning. See Yushchenko and the Poisoning Theory. In: BBC Online, 11 December 2004. See also Temnik pro khvoroby Yushchenka. In: *Ukrainska Pravda*, 1 October 2004.
- 50 IPI Death Watch, <http://www.freemedia.at/cms/ipi/deathwatch.html>, last accessed 20 October 2006.
- 51 For a panorama on the nationalistic movements in the soviet period see Dina Zisserman-Brodsky, *Constructing Ethnopolitics in the Soviet Union: Samizdat, Deprivation, and the Rise of Ethnic Nationalism*, Basingstoke/New York 2003.
- 52 Oxana Shevel distinguishes nationalistic and non nationalistic parties according to the priority of nation building on their agenda. All parties were nationalist in theory, but

named Kuchma an “enemy of Ukraine” and supported Leonid Kravchuk in the run off against Kuchma, and it played a role in proposing Ukrainian national symbols in the 1996 constitution, further consolidating a nation building project that boosted Ukrainian identity in the 1990s.⁵³ In Ukraine Russian is not the national language and double citizenship was rejected to limit Russian influence. The main nationalistic achievements were one state language, Ukrainian national symbols, and Russians remaining as a national minority, despite accounting for more than 20 percent according to the 1989 census; the price to pay was more power to the president and Crimean autonomy.⁵⁴

The story of the Ukrainian political opposition diverges from any other CIS country. In contrast with most of the former USSR (excluding the Baltic Republics), an opposition not only developed in the 1990s (albeit slowly) in Ukraine, but became able to legally operate, influence public opinion and influence the political life of the country.⁵⁵ It is true that the idea of a “Party of Power” was present in Ukraine,⁵⁶ and even Nasha Ukraina in 2002 patiently accepted forming an opposition, despite receiving the most votes of any party in the country. It was also true that Kuchma, through the Presidential Administration, was able, through *temniki*,⁵⁷ to influence the media coverage from his 1999 presidential campaign on, dismiss opposition leaders, and ensure that no forces emerged to counter him. Despite claims of a lack of democracy, complete control of power, as occurred elsewhere, was absent, and change was around the corner: as soon as Kuchma went too far a political storm started. In this respect the 2000 political crisis and the *Kuchmagate* were the visible results of a development of the opposition. The very fact that information on the country was disseminated was already a success for Ukraine, and some seeds of dem-

only few acted as such. See Oxana Shevel, Nationality in Ukraine: Some Rules of Engagement. In: East European Politics and Society, 16 (2002) 2, p. 386–413.

53 Ibid.

54 For a detailed description of the constitutional negotiations see Katarzyna Wolczuk, The Moulding of Ukraine: The Constitutional Politics of State Formation, Budapest 2001.

55 Roman Solchanyk reports that out of the 36 votes against the new constitution of 1996, 35 came from communist and socialist deputies, thing that confirm the tendency in the CIS seeing the nationalistic party as more progressive than the leftist ones. See Roman Solchanyk, The Radical Right in Ukraine. In: Sabrina Ramet (ed.), The Radical Right in Central and Eastern Europe since 1989, Penn State 1999, p. 279–296, here 285.

56 Paul Gobe, The East: Analysis from Washington – the Coming End of the Party of Power. In: Radio Free Europe, 9 June 1999.

57 Literally little darks, this way are called the instructions on what to broadcast and what to avoid “for the good of the country” handed to newspaper and TV channel directors in order to exert a control on the media.

ocratic attitude, both in politics⁵⁸ and people,⁵⁹ were already planted in the 1990s.

Oleksandr Moroz, a leader of the progressive Socialist Party and parliament speaker from 1994 to 1998, was the first politician to openly challenge president Kuchma; he first ran as a candidate for the presidential elections in 1999 and then was the promoter of the tape scandal in 2000⁶⁰ and of the *Kuchmagate* movement.⁶¹ This, together with the rise of Yushchenko as an opposition leader and the creation of a Forum for National Salvation – a political organization opposing president Kuchma – by Yuliya Tymoshenko, strongly impacted the president's popularity, which decreased to below 10 % for the first time on the evening of the 2004 presidential elections. The opposition had succeeded, and the Kuchma entourage was seeing the end of its rule. The last card Kuchma played was to position himself as the pacificator between two of his “sons”, Yanukovych and Yushchenko, but this eventually failed.

VII. Presidential Power

Another important factor influenced Ukrainian politics in 2000. Since the 1991 strikes, participation of citizens in politicals was low and no contest of the current government was held. After 2000, an ever increasing number of people became active in political life and challenged the president through street rallies, which became an increasingly common *modus operandi* in the country, although these proved decisive only in 2004. The political mistakes of President Kuchma resulted in a political transformation of the electorate (Table 9) and were the basis for the *Kuchmagate* movement, and the active civic movements “*Vstavay Ukraina!*” and “Ukraine without Kuchma” could count on increasing popular

58 Michael McFaul, Importing Revolution: Internal and External Factors in Ukraine's 2004 Democratic Breakthrough. In: CDDRL Working Papers no. 59, May 2006. Available at <http://cddrl.stanford.edu>, last accessed 20 October 2006.

59 Cf. Abel Polese, Ukraine: The Future is Orange? In: Transitions on-Line, 28 November 2004.

60 Mykola Melnychenko, a bodyguard of President Kuchma who is now a refugee in the USA, recorded hours of the president's phone conversations, including the orders to kill opposition journalist Heorhiy Gongadze. The process is still ongoing, as Kuchma always refused to acknowledge his voice in the tapes and, given the unofficial immunity granted by president Yushchenko, Ukraine has not the necessary technology to prove that Kuchma's voice is the one recorded. In 2006 the Court of Human Rights Court in Strasbourg condemned Ukraine to a payment of several millions of dollars to the Gongadze widow, now working in the USA, for failing to solve the case.

61 Further to the Gongadze scandal, some politicians mobilized people and organized a partisan movement against the president. In the frame of the *Kuchmagate*, street protests and the movement stand up Ukraine (*Vstavay Ukraina*) gave birth to massive mobilization of civic society in the country, opening the way to the massive 2004 protests.

support from 2000 until 2003. From 2004 on, civic activism became not only stronger but also more organized and started interacting with politicians and the intelligentsia. “*Kuchmizm*” (from president Kuchma) became an official term to define a corrupt and authoritarian attitude of the political class. Not surprisingly, the first action of the organization PORA (it’s time) would be to increase awareness of *Kuchmizm* in Ukraine.⁶²

Training for NGO leaders, structuring of the civic opposition, increasing political participation and popular discontent led to the coordination of dozens of NGOs in protesting against falsification of election results in 2004, and a massive popular support that changed the country, if not politically, then at least socially: “Ukrainians might not change the elections, but the elections have changed the Ukrainians.”⁶³

The president’s arrogant attitude, backed by the main Ukrainian clans, became increasingly balanced by an opposition able to legitimize its position through massive popular support and able to organize massive mobilization in November 2004 and reverse the fortunes of the country.

This was not an easy task: Kuchma could count on the Kiev clan, with Viktor Medvedchuk, head of the presidential administration and leader of the Social Democratic Party; the Donetsk clan, financially backed by Rynat Akhmetov; and the Dnepropetrovsk clan, with the head of the Party of Labor Viktor Pinchuk who, following a traditional strategy, consolidated his relationship with the president by marrying his daughter.

Additionally, Kuchma could count on the Agrarian Party (Volodymyr Lytvyn), the National Democratic Party, and Solidarity – at least until Petro Poroshenko switched to the opposition. Competition among one another secured Kuchma’s role of supreme leader and mediator of the power game of Ukrainian politics. Despite this, and the political elimination of some contenders, the opposition grew stronger: Tymoshenko’s creation of a solid electoral bloc (Yuliya Tymoshenko Bloc, BIUT) and Moroz’s decision to participate in the mobilization for “Ukraine without Kuchma” were sided by the second political force of the country, the Rukh.

Despite the death of Rukh chairman and the split of the party, new forces emerged and some of the main business leaders of the country converted into figures of the opposition. An example is Poroshenko, who entered the bloc Nasha Ukraine in 2002, refreshed the opposition’s forces and had an effect on the democratic – but still unnoticed – transformation of the country.

According to Aslund, there was a serious impact from the – often US financed – independent media,⁶⁴ which was able to inform the external world on

62 Case Study on the Civic Campaign PORA, available at www.pora.org.ua, last accessed 15 June 2006.

63 Polese, Ukraine: The Future is Orange?

64 Michael McFaul, Importing Revolution: Internal and External Factors in Ukraine’s 2004 Democratic Breakthrough. In: CDDRL Working Papers no. 59 May 2006. Available at <http://cddrl.stanford.edu>, last accessed 20 October 2006.

Table 9: Distribution of the electorate by orientation, age and education in 1998 and 2001

Social demographic features 1998	Electorate in 1998			
	Left	Center-left	Center-right	Right
	N = 310	N = 170	N = 247	N = 212
Men	47	40	49	56
Women	53	60	51	44
Total	100	100	100	100
18-29	7	13	25	16
30-44	18	21	31	32
45-59	32	27	22	25
> 59	43	38	22	28
Total	100	100	100	100
Lower than high school	28	20	12	25
High school education	30	35	27	30
Specialist education	28	24	32	28
University	15	21	29	17
Total	100	100	100	100
Social demographic features 2001	Electorate in 2001			
	N = 270	N = 86	N = 370	N = 299
Men	45	50	45	50
Women	55	50	55	50
Total	100	100	100	100
18-29	8	20	35	21
30-44	20	34	26	29
45-59	24	30	23	24
> 59	48	16	16	26
Total	100	100	100	100
Education				
Lower than high school	34	11	12	21
High school education	26	37	32	30
Specialist education	28	21	30	22
University	12	31	26	27
Total	100	100	100	100

Source: Valeriy Khmelko/Nataliya Pohorila, Osoblivosti elektorativ osnovnykh grup partiy pered parlamentskymy vyboramy 1998 ta 2002 rokiv, www.kiis.com.ua, last accessed 9 November 2006.

political developments in Ukraine and therefore lobby at international level against president Kuchma. Thus, in Ukraine there was a unique situation: an authoritarian regime and “elective democracy” accompanied by a strong repression of media and a despotic rule of the president, but combined with the fact that the international community was aware of it and willing to pressure the president to release control on media and civic society, and local population was somehow, and to a decent extent, informed. Together with the possibility for the opposition to legally contrast the presidential power – at least to a certain degree – this made Ukraine a green oasis if compared with politics in Russia, Belarus or Turkmenistan.

It was extremely important, even more than the grasp that in Ukraine there was “little democracy”, that the international community and the Ukrainian people knew in detail what was happening on the political scene of the country.⁶⁵

The opposition in Ukraine included –to some extent- the Communists, who often served Kuchma’s interests but were also ready to challenge him by participating in the anti-Kuchma demonstrations occurring since 2000 or adopting an anarchic attitude in 2004: neither Yanukovich nor Yushchenko.⁶⁶ However, the main figure of the opposition rapidly became Viktor Yushchenko. Still Kuchma’s main pawn, Yushchenko was appointed prime minister in 1999 to boost the Ukrainian economy – which was in deep stagnation at that time – and increase Kuchma’s popularity; for the first time, Ukrainian economy registered real growth – not less than 5 % – but then the Yushchenko cabinet was judged too reformist by a majority of oligarchs and dismissed in 2001.

VIII. The Turning Point

The disagreement between the president and his people reached its peak on the eve of the 2004 presidential elections. Following the strategy of some neighbor countries like Belarus and Russia, the president self-proclaimed his continuing rule in Ukraine. After holding a referendum on whether he could run for a third term – resulting in a massive approval from the population, and the results of which the Council of Europe refused to acknowledge – he convinced the

65 The Gongadze scandal was of international concern and contributed, together with the Kolchuga case – where military radar was illegally sold to Iran – to deprive Kuchma of any respect at international level. Ukraine was invited to the 2002 NATO summit in Prague, but somebody other than Kuchma was expected to attend. And at the national level, the 2000 protests in Ukraine were the most massive since the 1991 strikes.

66 This strong position contributed to further alienate the Communist Party from ongoing politics and its electorate: the 2006 election results are evidence of this.

Constitutional Court in December 2001 that he was entitled to run for a third term.⁶⁷

Despite this, Kuchma's position was weak: not only was the Council of Europe threatening to exclude Ukraine because of the above referendum and the country's failure to end the death penalty, but the international community felt they had little to share with the president – as evidenced by the NATO summit of 2002.⁶⁸ Furthermore, the people of Ukraine saw no reason for a Kuchma third term, as shown by the meager 8 % of Ukrainians ready to vote for Kuchma a third time.⁶⁹ New forces were emerging and replacing those loyal to the president, and this will be shown in the 2006 elections, when most characters of the ancient regime failed to enter the parliament.⁷⁰

Kuchma's strategy was to designate his potential successor in 2002 and appoint Viktor Yanukovych as prime minister.⁷¹ He balanced Yushchenko's popularity in the west with a man extremely popular in the east⁷² and further polarized the country, leading to the east-west division so notorious during the 2004 elections, and thus tried to position himself as mediator of the forces⁷³ and gain in popularity. The unexpected response of the population prompted Kuchma to barter immunity for a dignified political retirement, and the role of mediator was played by Volodymyr Lytvyn instead.

A voice in this change was the socialist Moroz, who slowly increased his popularity, and Yuliya Tymoshenko, a giant in the Ukrainian political scene and a charismatic popular leader. This is clear from the leap forward her party registered at the polls, from 7.26 % of the vote in 2002 to 22.29 % in 2006. Hence, it

67 Ukraine's "Velvet Revolution": Transition to the post Kuchma era. In: *The Ukrainian Weekly*, September 22 2002; Ukraine: Exploring Kuchma's Motives for Moving Toward Parliamentary Democracy. In: *Radio Free Europe*, 29 August 2002.

68 As a prize for the continued cooperation with NATO – the Partnership for Peace agreement signed in 1996 and the Ukrainian engagement in Kosovo and then in Bosnia – Ukraine was invited to the 2002 summit, while the Belarusian president was even denied a visa to attend the meeting. Kuchma's reputation, already undermined by the Gongadze scandal, was definitely ruined by the Kolchuga case – when the president was accused to have sold radar to Iran – so that he was not expected to attend the meeting. He had the time, however, to dismiss the current foreign minister to send a more trustworthy man to the meeting to accompany him and this resulted in little talks between Ukraine and NATO at the 2002 Prague summit.

69 Will political reform lead Ukraine out of its crisis? In: *The Ukrainian Weekly*, 23 March 2003.

70 Lytvyn's electoral campaign is a clear example of his political transformation: after having proposed himself as mediator between Yushchenko and Yanukovych in 2004, Lytvyn's TV advertisement showed two opposed forces, orange and blue, and a mediator – green, the color of relaxation, able to conciliate them but, at the same time, revealing incapable to propose anything new.

71 In Ukraine, as in other CIS countries, there is a tacit understanding that the designated prime minister before the election will also be the successor of the president.

72 Yanukovych is the former governor of the Donetskaya oblast and is extremely popular in the Donbas region.

73 Obyknovennyi kuchmizm. In: *Ukrainska Pravda*, 11 August 2006.

came as no surprise that the opposition was able to organize massive protests to oppose the electoral fraud of November 2004 and that people were willing to arise in the hope of a better life. The result of those synergies was a constitutional reform in November 2004, which had been debated in the parliament since the end of the 1990s. The possibility of a political reform was a way to overcome the increasingly frequent political crises; in this regard the reform of 2004 was of utmost importance to the adoption of a democratic reform discussed in the next section.

IX. Democratic Oriented Reforms and Soviet Political Culture in the New Millennium: Main Achievements

In this section we intend to show that despite political and social synergies resulting in democratic achievements, they have happened in Ukraine by chance; that is to say they are rather the result of political arm wrestling than a defined strategy of some political elites.

Although the West is ready to give credits to Yushchenko for his democratic achievements, it must be acknowledged that the adoption of a constitution, including the long preparation process, happened thanks to president Kuchma and was the only way for the country to survive. The constitution posed an answer to the question of Crimean separatism and cooled nationalistic pretensions by allowing Ukrainian national symbols to be mentioned in the constitution and Ukrainian as sole state language. This led scholars to define it not only as the utmost instrument of nation-building of the Kuchma presidency,⁷⁴ but the basis for democratic consolidation of Ukraine since it granted the Ukrainian parliament some power, a unique case, together with Moldova, in the strongly presidential CIS countries.

The practice, however, was different, as evidenced by the creation of the Presidential Administration. While not mentioned in the constitution, the Presidential Administration had grown by 2004 from a small executive organ into the most powerful ally of President Kuchma, able to prevent any political party or politician from growing strong enough to challenge the president.⁷⁵ This situation allowed immunity for civil servants of the Presidential Administration before the constitutional court, despite their extremely influential role in the country.

The Presidential Administration was capable of influencing mass media – *temniki* sent to TV channels, illegal “tax inspections” for publishers showing too

74 Stephen Shulman, Ukrainian Nation Building Under Kuchma. In: Problems of Post Communism, 52 (2005) 5, p. 32–47.

75 Taras Kuzio, Parliamentary Elections in the “Blackmail State”. In: PRISM volume 8, issue 1, 31 January 2002.

much audacity, or even murder, and the Gongadze one is only the most famous, not the sole one. The Presidential Administration also influenced the career of several politicians (dismissing of Yushchenko and Tymoshenko in 2001 from PM and deputy PM posts, and the Lazarenko scandal), or even threatened lives – there were allegations of implication in Chornovil's, Kypr's, and other politicians' deaths, and in the Yushchenko poisoning. In practice, the Presidential Administration was a state within the state.⁷⁶

Seeds of democracy were already present in the 1990s, and the ever increasing work of the Parliament shown by Whitmore is a visible sign; 752 laws were passed from 1994 to 1998, 1.131 from 1998 to 2002, and the trend continued upward from 2002 to 2006.⁷⁷ However, the turning points were the constitutional reform of 2004 and the liquidation – or better, the renaming and redefinition of its functions – of the Presidential Administration in 2005, which reduced the risk of power abuse in the future.

The constitutional reform, which took effect during the Yushchenko presidency, was not proposed by Yushchenko, but was the only way to get through the political crisis of November 2004 when, further to mass protests against falsification of the presidential elections, candidates Yushchenko and Yanukovych were supposed to negotiate, but each stubbornly kept his position. To tackle the issue, the proposition was to split power between the president and the prime minister:⁷⁸ full powers would be given to the president but only until the next parliamentary elections, after which Ukraine would become a parliamentary republic with a division of power between the president and the cabinet of ministers.

This *de facto* granted Yushchenko full powers – so that Viktor Andreevich was happy, but for a limited period of time, and so that Viktor Fedorovich was satisfied as well – as the prime minister would become more important than the president soon after. It came as no surprise, hence, that Yushchenko addressed the constitutional reform adopted in 2004 as illegitimate – terms that he uses every time he does not like the outcome of a political negotiation, like when Moroz was elected speaker in July 2006 or when Yuri Ekhanurov was dismissed in January 2006 – and tried to subordinate the reform to a popular referendum. If Ukraine has now a division of powers appropriate for a democratic state, it is not because of Yushchenko's reforms, but only thanks to the response of the political class to a situation of crisis. The package of reforms adopted in 2004 included an important point of the electoral law. A regional balance was ensured by liquidating the system of absolute preferences, and thus rewarding the parties with the most votes, regardless of whether the votes came from only a few re-

76 Ibid. See also Kuzio, *Semi-Authoritarianism in Kuchma's Ukraine*.

77 Sarah Whitmore, *State and Institution Building under Kuchma*, p. 8.

78 According to the constitutional reform Ukraine is now a parliamentary republic. The president, though, still retains the right to appoint the minister of defense, foreign ministers, the head of the security service and the prosecutor general. All nominees are subjected to parliamentary approval. The president can also dissolve the parliament if a majority is not formed within 30 days from the first session.

gions or were collected throughout the country; this allowed regional polarization of politics,⁷⁹ since a party securing massive support in a single district could be better rewarded than a party supported all over the country but moderately.

A second important point is party affiliation. Elected deputies are not allowed to change party affiliation nor run as independent candidates; that is, party affiliation became obligatory and immutable, so citizens are directed towards an ideological choice and can be sure that a candidate militating in a party shares the party ideology. An element of confusion in previous elections was the “who was who” phenomenon: once the deputies were elected, their real political orientation was clear only after the first sessions of the parliament and, having to answer to no one, they were allowed to follow their own interests instead of those of their constituency.

Pressure on the media had been increasing in Ukraine, particularly since 1999, when president Kuchma felt seriously challenged⁸⁰ for the first time. This pressure peaked during the 2004 electoral campaign: *Kanal 5* saw its license suspended – until a hunger strike forced the government to step back – and then its broadcasting hindered, while other channels were under pressure to “filter” information so not to endanger “national security”, and thus manipulation of press was the order of the day.

Pressure on civic movements was also high and aimed at keeping people out of politics. The most active civic movement in 2004, the organization PORA, was accused of terrorism and false evidence was produced to discredit it to the public.⁸¹ However, the ever-increasing oppression of the people had the opposite result. In November 2004 journalists publicly announced that they had been the target of Presidential Administration threats, and they signed a declaration obligating them to report only true and impartial information. Meanwhile, the Ukrainian people lost their fear and stood up in mass to express their opinions, regardless of whether this was favorable to the government.

Massive mobilization of people and journalist disobedience happened during the Orange Revolution, but their origins are to be found much earlier, as they are historically rooted in the Ukrainian people and were helped by the mild attitude of president Kuchma. Despite repressing the media and ruling according to

79 The previous electoral law allowed a party massively winning in the more populated east to catch up with parliamentary seats. For instance *Nasha Ukraina* won 79 seats and *For a United Ukraine* only 39 in the proportional system, but when the bulk seats were assigned on the system of absolute preferences, NU got only 39 and FUU 70. That was with 23 % of votes against 18 %; the two parties received the same number of seats in the VR.

80 IPI World Press Freedom Review (Ukraine), http://www.freemedia.at/cms/ipi/freedom_detail.html?country=/KW0001/KW0003/KW0087/&year=2002, last accessed 30 September 2006. See also the report *Ukrainian Media Landscape*. In: European Journalism Centre, available at <http://www.ejc.nl/jr/emland/ukraine.html>, last accessed 30 September 2006.

81 Ukrainian Leaders Crack Down on Youth Groups Ahead of Election. In: *Eurasia Daily Monitor*, volume 1, issue 109, 20 October 2004.

semi-authoritarian principles, Kuchma never reached the level of political repression found in other CIS countries, eased exchanges between Ukraine and the West, and was much more permissive than, for instance, president Lukashenko with regards to cooperation with foreign actors, whether economic, political or social.

In a sense, Kuchma was much less ideological than Lukashenko and much more interested in trying to get support in the East and in the West to secure self preservation,⁸² and therefore produced no relevant results.⁸³ He was ready to support economic reforms (as long as they did not affect his personal networks), EU integration, and an increase in the “Europeanness” of Ukraine (as long as this did not prompt him to go against his interests). While Belarusian political discourse explicitly refused NATO and EU cooperation always preferring Russia, Ukraine was playing a role in between, accepting EU influence (Partnership and Cooperation Agreement, Common Strategy), cooperating with NATO (Partnership for Peace, Kosovo Mission, Bosnia and Herzegovina Police Mission) but only as long as this did not irritate Moscow too much.⁸⁴

X. Challenges

Democracy means the legitimization of political parties present in the parliament by a strong connection with the electorate, and this is now a main challenge in Ukraine. D’Anieri questions the capability of political parties to become mass-based political parties: not based on a single individual but rather on an ideology.⁸⁵

Another point is the de facto separation of the judicial power from the executive branch. Since independence, courts served the interest of businessmen and politicians, rather than being an institution at the service of the citizen and this often influenced the outcome of their decision, like when in 2001 Kuchma was allowed by the Constitutional Court to run for a third term. Although the issue has been raised, doubts on the impartiality of Ukrainian main courts may arise and are a serious hinder to further reforms.⁸⁶

82 Ukraine’s foreign policy: pro-Russian, pro-Western or simply pro-Kuchma? In: *The Ukrainian Weekly*, 22 February 2004.

83 For an analysis see Taras Kuzio, *Neither East nor West: Ukraine’s Security Policy Under Kuchma*. In: *Problems of Post-Communism*, 52 (2005) 5, p. 59–68.

84 Since relations between Russia and Ukraine were never idyllic, for instance the dispute over Tuzla island, the Russian fleet in Sevastopol, the gas dispute since the nineties, and the Crimea.

85 Paul D’Anieri *What Has Changed in Ukrainian Politics? Assessing the Implications of the “Orange Revolution”*. In: *Problems of Post-Communism*, 52 (2005) 5, p. 82–91, here 88.

86 For an analysis see *ibid.*

A final point, and the main one in the light of the 2006 political crisis, is the attitude of political elites towards the people. The expression “electoral democracy” well describes those former Soviet countries where political elites and people conduct independent lives and meet only when elections are approaching; that is, people have little or no voice in the political decisions of the country. Once politicians are elected by the people, it is understood all that they will do is “the right thing” and the people have no reason to complain; in other words, “the party is taking care of its citizens”, as one could hear on the radio after the Chernobyl.⁸⁷ We can define this attitude as “Soviet political culture”, and one must admit that little has changed in this direction.

Despite that Yushchenko may have been formed in a more Western environment, one has to acknowledge his limits and the limits of democracy in Ukraine, as well as the fact that radical political change has happened neither as a result of the 2004 presidential elections, nor as a result of the 2006 parliamentary elections.

Yushchenko and Yanukovych come from the same “political school”, which is to say they grew up politically under Kuchma and have much in common.⁸⁸ As Volodymyr Filenko, a member of the Reforms and Order Party, remarked: “Yushchenko is a very democratic and absolutely normal man. He wants to build a civilized system of government, but he grew up in the old system [...] [H]e had a moment of choice between what he did not know and so was intimidating, and what was known and predictable to him. He chose the latter [...] I can only judge from his entourage, where I cannot see a single person without the ‘Kuchma background’. And the president sees a lot of things through the eyes of these people”.⁸⁹ *Ukrainska Pravda* reported that “Both Yushchenko and Yanukovych have a very biased idea of what is the best for their people. Yushchenko thinks that the best for Ukraine is EU integration and NATO accession and Yanukovych thinks of the economic reform as the maximum benefit for Ukrainians [...] and both will follow their idea regardless of the real needs of the Ukrainians”.⁹⁰

At this stage, past political events have fed the impression that the government is likely to pursue its goals regardless, or even, against the opinion of the citizens, and Table 10 shows one of the effects, which is lack of trust in institutions and mass media, impacting political and participation of citizens.

It must be said that Yushchenko has brought some changes to the country. A modest attempt to battle corruption has been made; some 4,500 of the myriad of regulations to register a business have been annulled, reducing the opportunities

87 Personal communication with a Ukrainian worker.

88 How to Understand Ukrainian President Viktor Yushchenko. In: *The Kiev Post*, 15 June 2006; *Obyknovennyi kuchmizm*. In: *Ukrainska Pravda*, 11 August 2006.

89 Volodymyr Filenko: “If Stetskiv and I Wanted to Make it to Parliament at Any Cost, We Would Have Joined the Presidential Party Long Time Ago”. In: *Zerkalo nedeli* no. 34 (562), 3 September 2005.

90 *Obyknovennyi kuchmizm*. In: *Ukrainska Pravda*, 11 August 2006.

Table 10: Youngsters' (16–34) level of trust in institutions in three CIS countries

Mass media			
	Ukraine	Russia	Azerbaijan
Fully trust	10.40 %	7.00 %	19.60 %
Strongly trust	57.00 %	59.80 %	52.40 %
Lack of trust	19.70 %	25.90 %	18.60 %
Political Parties			
	Ukraine	Russia	Azerbaijan
Fully trust	1.20 %	1.50 %	6.20 %
Strongly trust	11.00 %	13.30 %	31.00 %
Lack of trust	48.80 %	51.00 %	29.60 %
Parliament			
	Ukraine	Russia	Azerbaijan
Fully trust	1.50 %	4.20 %	6.80 %
Strongly trust	17.30 %	25.50 %	24.20 %
Lack of trust	38.00 %	40.50 %	31.00 %
Courts			
	Ukraine	Russia	Azerbaijan
Fully trust	7.50 %	6.20 %	9.40 %
Strongly trust	30.10 %	40.90 %	30.80 %
Lack of trust	33.50 %	33.60 %	25.80 %

Source: Rezultaty porivnyal'nogo mizhnarodnogo doslidzhennya 'suchasne i maybutne tr'okh klyuchovykh postradyanskykh krain (Azerbaidzhan, Rosiya, Ukraina). Poglyad molodykh', www.kiis.com.ua, last accessed 9 November 2006.

for corruption in public offices.⁹¹ We must also acknowledge that the practice of “tax inspections” for those business or media not enjoying the sympathy of the regime are disappearing; but the case of PORA, who was prevented from registering as a political party to run for the 2005 elections, might also raise some doubts on the Yushchenko's full commitment to democratic change.⁹²

91 Taras Kuzio, *Revisiting the Orange Revolution, Part One: Considerable Gains Made*. In: *Eurasia Daily Monitor*, 21 November 2005.

92 On 25 March 2006 in an interview with Radio Free Europe, the founder of PORA Vlad Kaskiv stated the move by the justice minister to try to prevent PORA from registering as a political party in 2005 was politically motivated, adding that police attacks on PORA members in Kiev have become routine in the run-up to the mayoral elections. Eventually PORA gained the right to register.

Yushchenko certainly deserves credit for to having held the fairest elections in Ukraine since independence. But to what extent is his attitude towards democracy due to a firm ideology, and to what extent is it the result of chance? While accepting credit for the elections, Yushchenko was unwilling to accept their results; he demanded a recount, and then dragged negotiations for a coalition to the maximum period allowed by the constitution; furthermore, he did not respect pre-election agreements with Moroz and Tymoshenko.⁹³ He was willing to use the threat of new elections to maximum the outcome for himself and Nasha Ukraina; and when Moroz's election as speaker of the parliament risked ruining his plans, he called for illegitimacy of this action. His honeymoon with the media was based on a tacit agreement, according to which both (Yushchenko and the media) wanted to criticize the ancient regime. But when it came to a constructive dialogue, he refused to take his responsibilities for the reckless life of his son and alleged that newspapers attacks were politically motivated.

Yushchenko, hence, was primarily interested in his political survival rather than bringing definitive changes to Ukraine as he declared in 2005,⁹⁴ and, though his attitude is not comparable with previous Ukrainian elites, it seems that to a certain extent democracy was his marketing strategy rather than his ideological aim. It is certainly true that Yushchenko, especially if compared with the former presidents, was less authoritative and much more sensitive to public opinion and to pressures of the international community, but the democratic changes in Ukraine were only marginally the fruit of his work; more often, this was the result of a negotiation between leading forces unable to find a common point and obliged to come to a compromise, which is proper of a democratic country. After all, in a Machiavellian perspective, the past actions, though doubtfully democratic, have led to the fact that it appears improbable, nowadays, that anybody in the future will be attempting to return to fully authoritarian rule; not because hunger of power is absent, but because institutional and social changes have some permanent features. Power fragmentation would not allow a single man to run the country, and the current political instability is evidence of this.

93 The Orange Coalition, as it was called, was to pick up the prime minister out of the party receiving most votes. This happened to be the BIUT, with Tymoshenko designated to become PM, but Yushchenko then opposed it and started negotiations with the Party of Regions at once.

94 Yushchenko: Ukraine's Democratic Changes Irreversible. In: Radio Free Europe, 25 January 2005.

XI. Conclusions: Perspectives of Further Democratization

Since recent democratic achievements in Ukraine are not linked to the attitude of a single politician but are the result of political compromises and slow improvements since 1991, the developments of the 2006 elections, which have inspired some fears in the country over the re-election of Viktor Yanukovych as prime minister, do not seem to represent an obstacle to democracy for Ukraine. Conversely, they have shown a balance of power with several political parties engaging in a stiff competition, a fact that is proper of healthy political environments. Regional polarization is still strongly present in Ukraine,⁹⁵ impacting the political choices of Ukrainians and, to a certain extent, the power balance in the government. Nevertheless, as a result of the – short – political history of the country after independence, it seems that a point-of-no-return has been reached.

Two points have to be considered. The first is that despite being feared for its authoritative manners, it is unlikely that Yanukovych will maintain the same fully authoritarian attitude he had under Kuchma: key people like Medvedchuk are now – temporarily – out of the main scene of politics, and even if they come back they will have to rethink a strategy more proper to the new rules of the game; civil society in Ukraine is stronger than before and the attention of the international community is more likely to limit the spectrum of choice of any future political leader.

The second is that the current division of power in Ukraine is proper of democratic states, where it is impossible for a single political force to control the totality of the country. Presidential power is now shared and balanced by a stronger parliament, and even the majority has a limited spectrum of actions since it is balanced by a strong opposition. Democracy in Ukraine has improved, and the Freedom House classification as “free”⁹⁶ is a further confirmation. However, this is not the result of a team working on democracy, but rather it was the only way to allow the country to survive politically and economically and again the result of chance: the lack of an authoritarian leader rising up in a moment of economic and political instability, an element that Sharp mentions as a prerequisite in the transition from an authoritarian regime into a democratic one.⁹⁷

On the one hand, a democratic political culture has to be improved, on the other, it is extremely relevant that democracy is not likened to the charisma of a single man, but is more embedded in the society and is, therefore, sustainable. In

95 Svitlana Oksamytna/Valeriy Khmelko, *Regional Divisions of Ukraine in the 2004 Presidential Elections: Gender, Age and Educational Differences of Electoral Preferences*, Kiev 2006.

96 Freedom House Report, <http://www.freedomhouse.org/template.cfm?page=22&year=2005&country=6855>, last accessed 12 October 2006.

97 Gene Sharp, *From Dictatorship to Democracy*, Albert Einstein Institute, Boston 1993, available at <http://www.aeinstein.org/organizations98ce.html>, last accessed 12 October 2006.

spite of Yushchenko's frequent labeling as the first democratic president, the current state of affairs allows for further democratic improvements should the president not be confirmed for a second term. In addition, the growing role of the public opinion and independent media, the monitoring of the international community and the ever increasing role of civic NGOs has led to an extremely safe political environment; although some parties have not yet ridden themselves of the infantile sickness of leftism (or rightism) and shelter themselves behind known political figures, people have matured and shown their mellowness through electoral preferences much less biased by kinship networks, and consolidated much more locally than before.⁹⁸ Political maturation of parties and the search for a compromise is becoming the only way to achieve results, despite that Ukrainian politicians often still tend to act "Soviet", refusing to acknowledge what they find uncomfortable, be it "democratic" or not.

98 For a more detailed analysis see Afterglow of the Passing Epoch. In: *Zerkalo nedeli* no. 12 (591), 1 April 2006.